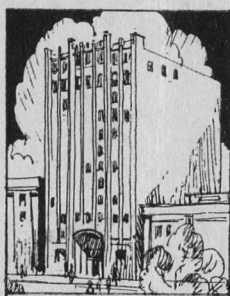


Amendments to the Canada Grain Act

Passed by Parliament
at the Session
of 1929



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INTRODUCTION

April first, 1912, was the birthday of the CANADA GRAIN ACT; the Bill of Rights of the farmers who produce the grain on our Western prairies. The act, which emerged from the stormy session of parliament of 1911-12, represented a consolidation of the Grain Inspection Act of 1899 and the Manitoba Grain Act of 1900. It introduced the most thorough system of national grain trade regulation to be found anywhere, and aimed primarily at affording the producer the maximum of protection during the process of marketing his grain. The outstanding feature of the new act was the creation of the Board of Grain Commissioners, attached to the Department of Trade and Commerce, with powers of supervision over the entire industry of grain inspection and marketing throughout the Dominion. Since 1912, many amendments to the act have been made; and in 1925, following the findings of the Turgeon Commission, a new consolidating act was passed, incorporating new amendments and changes which had been made in the past ten years. Practically every one of these changes came as a result of the insistent demands of western farmers, through their representatives in parliament and elsewhere. With the inception of the Wheat Pools in 1923 and 1924, the farmers were able to talk with renewed vigor and forcefulness, and further necessary reforms were demanded. The importance of 140,000 voices speaking as one was not to be denied, and further amendments to the Act, necessary for the Pools' operation, were passed by the parliament at Ottawa.

Last fall the government of the province of Saskatchewan appointed a Royal Commission to make a thorough investigation into the grain trade in Canada, with the object of making recommendations of possible remedies for the many complaints still voiced by western grain growers. In the spring of this year, the House of Commons instructed its committee on Colonization and Agriculture to make a parliamentary investigation of the administration of the Canada Grain Act, and other matters relative to Canada's grain trade. In keeping with the conclusions of this parliamentary committee and of an interim report submitted by the Saskatchewan Royal Commission, certain important amendments to the Canada Grain Act were made at the session of parliament recently concluded. Evidence submitted by officials of the Canadian Wheat Pools, at times in direct conflict with evidence and suggestions coming from representatives of the private grain trade, was given care-

ful consideration and went far in shaping the trend of the various amendments.

Parliament has expressed its intention of thoroughly revising the Canada Grain Act at its next session, and of passing a new consolidating act.

The following pages contain a compendium of the new features of the CANADA GRAIN ACT, which were passed by the House of Commons on June 7th, 1929.

SEC. 2.

The following two definitions are added to the interpretation section at the commencement of the act.

Section two of the *Canada Grain Act*, chapter eighty-six of the Revised Statutes of Canada, 1927, is amended by inserting the following paragraph therein immediately after paragraph (d) thereof:—

NEW

"Assistant commissioner."

"(d1) 'assistant commissioner' means an assistant commissioner appointed under this Act."

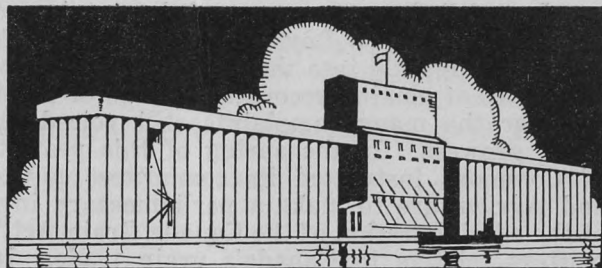
Section two of the said Act is further amended by inserting the following paragraph therein immediately after paragraph (f) thereof:—

NEW

"Owner."

"(ff) 'owner,' for the purpose of the provisions of this Act with respect to the issue of warehouse or storage receipts, means the person who is entitled to demand the issue of any such receipt to himself or his nominee or, after any such receipt has issued, means the person to whom the grain is deliverable in accordance with the terms thereof."

The first of these new additions is made necessary by the later provisions of the act which provide for the appointment of assistants to the fully qualified commissioners. (See sections 4, 7, 8 and 9 which follow.)



The second additional definition is to be associated with the later section number 26, which deals with the famous Campbell Amendment.

SEC. 4.

The salaries of the members of the Board of Grain Commissioners are adjusted. The former section, dealing with this point read;

8. The chief commissioner shall be paid an annual salary of ten thousand dollars, and the other commissioners shall each be paid an annual salary of eight thousand dollars. Salaries of **Repealed** commissioners.

The amending section reads as follows:

"(8) The chief commissioner shall be paid an annual salary of twelve thousand dollars, and the other commissioners shall each be paid an annual salary of ten thousand dollars." Salaries of **NEW** commissioners.

The effect of this amendment is to provide a salary increase of two thousand dollars a year for each of the commissioners. The importance of the office demands that men of the highest character and attainments be attracted to it, and in order that this end may be realized it is necessary to place the remuneration on a parity with that which might be received from participation in private commercial enterprise.

It has long been realized that the administration of the Canada Grain Act, involving detailed supervision of the entire grain trade of the Dominion, is too great an undertaking to be handled effectively by three men unassisted. To meet this situation the following additional clauses have been appended to the act.

(8A) There shall be four assistant commissioners who shall be appointed by the Governor in Council and who shall be paid such annual salaries as are fixed by the Governor in Council. Such assistant commissioners shall hold office during pleasure and shall be deemed to be officers of the Board. Assistant **NEW** commissioners.

"(8B) One assistant commissioner shall have headquarters in the province of Alberta, one in the province of Saskatchewan, one in the province of Manitoba and one at the head of the Lakes." Head-quarters.

The arrangement provided for in these sections guarantees the farmers of each of the western provinces quick contact with the Board. (See also section 9 which follows, for definition of the powers of the new assistant commissioners.)

The new section 5 of the act reads:

SEC. 5.

"The salaries and remuneration of the commissioners, assistant commissioners and secretary shall be paid monthly, and of all other officers and employees semi-monthly, and the said salaries and remuneration and all the expenses of the Board incidental to the carrying out of this Act, including all actual and reasonable travelling expenses, shall be paid out of moneys provided by Parliament." Salaries and expenses of Board, **NEW** how paid.

replacing the former section which reads as follows:

Repealed

Salaries
and
expenses of
Board,
how paid.

"The salaries and remuneration of the commissioners and the secretary and of all officers and employees, and all the expenses of the Board incidental to the carrying out of this Act, including all actual and reasonable travelling expenses, shall be paid monthly out of moneys provided by Parliament. 1925, c. 33, s. 5."

This amendment affects only departmental routine.

SEC. 6.

Section 6 of the old act used to read;

Repealed

Head office.

"The head office of the Board shall be at the city of Fort William or Port Arthur; and the Governor in Council may on the recommendation of the Board from time to time establish offices of the Board at other places. 1925, c. 33, s. 6."

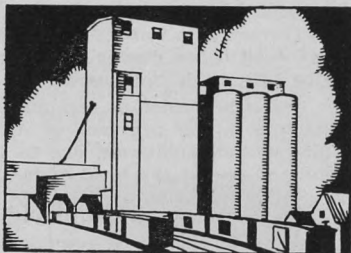
This is now altered by the following amending clause;

NEW

Head office.

"The head office of the Board shall be located at such place as the Board may decide, and the Board may from time to time establish offices of the Board at other places."

This amendment resulted from considerable difference of opinion which was apparent in the evidence submitted to the inquiring bodies. Winnipeg, Moose Jaw, Calgary, and Vancouver all appear as very important points in the grain industry map of Canada, and it is possible that the Board might find it most convenient to carry on its work from some other point than the present centre, Fort William. Under the new amendment, the Board is at liberty to set up its head office at whatever city it finds most suitable for its purposes.

**SEC. 7.**

Section 7 of the act is amended to insure that all members of the Board and all its officers and employees shall not participate in any way in activities which might be inconsistent with their duties under the act. The new section reads:

Amended

Whole
time.

"7. (1) The commissioners and the assistant commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any other office or employment.

(2) No commissioner or assistant commissioner or any officer shall directly or indirectly hold any interest in any corporation subject to this Act, nor directly or indirectly deal in or be financially interested in grain, nor hold any interest in any grain elevator or warehouse, or in any partnership, corporation or business engaged in the grain trade, or in the transportation or storage of grain."

Must not
deal in
grain.

And in further support of the previous section, an **SEC. 8.** amended form of oath is provided, which must be subscribed to by the commissioners, assistant commissioners and the secretary of the board. It reads as follows;

"8. The commissioners, assistant commissioners and the secretary shall, before acting as such, take and subscribe an oath of office before a superior or county court judge, in the form following, which oath shall be filed with the Department:—

Oath of
office.

Amended

"I, A. B., do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office of chief commissioner [or commissioner, assistant commissioner, or secretary] of the Board of Grain Commissioners for Canada, and that while I continue to be such chief commissioner [or commissioner, assistant commissioner, or secretary], I will not directly or indirectly deal in or be financially interested in grain or hold any interest in any grain elevator or warehouse or in any partnership, corporation or business engaged in the grain trade or in the transportation or storage of grain. So help me God."

Section eleven of the act was formerly a somewhat **SEC. 11.** vague one, reading as follows;

The Board may authorize any commissioner to hold any inquiry or make any investigation in any part of Canada. 1925, c. 33, s. 11.

Inquiry by
commis-
sioner.

Unchanged

To it have now been added the following provisions;

"11A. (1) Subject to the provisions of subsection three of this section, each of the assistant commissioners shall have the like powers and duty to receive and investigate complaints and also make investigations without complaint received and make findings thereon, as by the Act is given to and imposed upon the Board or any commissioner, and in addition thereto shall exercise and perform such other powers and duties of the Board or of a commissioner as the Board with the approval of the Governor in Council may authorize.

Powers and
duties of
assistant
commis-
sioners,
and appeals
NEW.

(2) The Board may with the approval of the Governor in Council vary or rescind any authority by the Board conferred on any of the said assistant commissioners.

(3) There shall be an appeal to the Board within fifteen days by any person dissatisfied with a decision of an assistant commissioner.

(4) The Board may make regulations governing such appeals."

With these new sections in force, there are now available in Canada seven men (instead of three as under the act prior to the amendments), who will have full authority to make thorough investigations of complaints or disputes or rumors, in connection with the industry of grain marketing. It has been a complaint of the farmers for many years that the services of the Board have not been available at such times when they were most needed by the individual producer. This condition resulted from the combined facts of the Board's fewness in numbers, its inability to delegate its authority, and its statutory location at Fort William.

This new provision for the delegation of authority should greatly facilitate the board's work, and enable it to render more satisfactory service to the farmer.

SEC. 18.

The recent investigations into the administration of the Canada Grain Act brought into prominence the fact that the Board of Grain Commissioners lacked the



power to enforce its findings in connection with many of the matters which it investigated. As a consequence of this condition of affairs, it was felt in some quarters that the board could be defied with impunity. But the new section 18A makes the future situation much

more promising for the producer. The Board now has teeth. The new provisions read as follows:

NEW

Investigations and power to assess loss and damage.

"18A. (1) Notwithstanding anything to the contrary in this Act contained, the Board may either upon complaint made or without complaint, investigate under oath any matter which the Act provides shall or may be investigated by the Board, with power to assess loss and damage, and the finding of the Board certified by the seal of the Board and by the chairman and the secretary thereof shall be final and shall be enforceable in any court of competent jurisdiction, unless an appeal from such finding shall be taken as in the next subsection provided.

Appeal.

(2) The person awarded damages or the person against whom damages are assessed may within thirty days of the date of the finding of the Board enter an appeal in the district or county court of the judicial district in which the person entering such appeal resides.

Procedure.

(3) The Governor in Council may make such rules of practice and procedure for the proper conduct of such investigation as to him seems advisable."

Section 20 of the act now reads

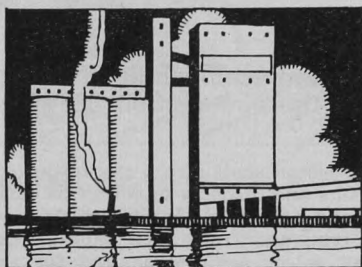
SEC. 20.

"20. The Board may, with the approval of the Governor in Council, make rules and regulations for the government, control, licensing, inspection and bonding of all elevators, and all other matters necessary to the proper carrying out of this Act, and may make rules and regulations for the handling of grain in any manner whatever."

Regulations Amended
by Board

The change involved here consists in the addition of the last fifteen words, more clearly defining the powers

of the Board. The Board will now be in a position to give effect to many recommendations of the Pool and of the Saskatchewan Commission without the necessity of amending the Canada Grain Act.



Section twenty-nine of **SEC. 29.**

the act provides for the bonding of responsible employees. The new section now reads;

"29. The chief inspector and all other officers shall, before acting as such give security for the due performance of the duties of their respective offices, in such sum as the Board directs, and such security shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof. The premiums assessed for such security shall be paid by the Board."

Officers to Amended
give
security.

The only change involved is the addition of the last sentence, which clears up a point of routine.

An important amendment has been made to section **SEC. 31.** 31 of the Act. This section formerly read;

31. Inspecting officers shall grade all grain in accordance with the grades defined in this Act, and samples shall be made under the direction of the chief inspector in accordance with such grades for the purpose of grading and of appeals therefrom under the provisions hereinafter contained. 1925, c. 33, s. 31.

Grading of grain. Repealed

The section as amended reads;

"31. Standard samples of all grades of grain in use by the inspection department in grading grain shall be supplied by the chief inspector to the several Appeal Boards and the said Appeal Boards shall use the said standard samples in deciding appeals: Provided however that grain carrying the statutory minimum weight per bushel and the statutory minimum percentages, and up to the standard sample in all other respects, shall be given a grade equal to the grade represented by the said sample."

Standard samples for appeal boards. NEW

The reason for this amendment is to make it clear that the statutory definitions of grades shall be the final determining factor in appeals. The chief inspector's evidence showed that it was not always possible to prepare standard samples to the minimum of weight and percentage required by the act. Hence, a farmer's sample which may not be quite up to the standard sample and yet which falls within the statutory definition will receive, under the new wording of the section, the benefit of any doubt that may exist. (See also section 42B which follows.)

SEC. 32.

The method of collecting and establishing statutory grade samples is set forth in the new section 32 which reads;

NEW

"Statutory
grades
standards."

"32. The chief inspector shall direct the inspectors of the several divisions and districts to collect as early as may be possible and advisable, samples of grain of the current year's crop and from such samples the chief inspector shall select samples as and for the statutory grades of grain which, when approved by the Standards Board, shall be, and be known as "Statutory Grades Standards."

This ground was less satisfactorily covered by the old section which read;

Repealed

Official
standards.

32. The chief inspector and the inspectors for the division shall, each year, as soon as samples are available, select samples of the different grades of grain, which shall be known as official standards.

It will be noted that the act now requires that the Grain Standards Board shall approve of the selections of the Chief Inspector before they become the official standards. Under the act before amendment, the Chief Inspector dealt with this important matter at his own discretion.

SEC. 34.

A minor amendment is made to section 34 of the act which deals with inspection after dark or during wet weather. The section now reads;

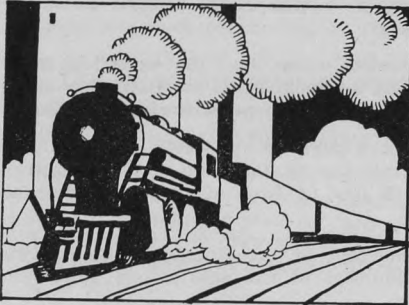
Amended

After dark
or in wet
weather.

"34. (1) No inspecting officer shall inspect grain being laden or about to be laden, on vessels or cars after dark or in wet weather except on receipt, personally, or through the office of the inspector in charge, of an application from the owner or possessor of the grain or his authorized agent, written upon one of the printed forms furnished by the Board and signed by such owner or his authorized agent, relieving him, the inspecting officer, from responsibility for damage which may be caused by such wet weather, or darkness or for loss arising from errors liable to occur in an inspection under such circumstances."

The only change is in the fourth line where "inspector in charge" replaces "chief inspector" in the former wording. This minor change is one of the many needed

to make possible the speeding up of the work of the inspection department.



Changes of far-reaching importance to the farmer have been made in Sections 40, 41 and 42, which deal with the Grain Standards Board. Under the former word-

SEC. 40.
SEC. 41.
SEC. 42.

ing of the act, the Board of Grain Commissioners was empowered to appoint as many members as it saw fit to constitute a board to establish standards for the commercial grades. There was a great deal of confusion as to the method of appointment, the term of office, the powers, etc., of this standards board, and considerable dissatisfaction was felt in the West regarding the matter. The sections mentioned have been carefully amended so that the position of the Western Grain Standards Board is now set out in detail. The Board is to be appointed before the first of July each year, and is to consist of the Board of Grain Commissioners, the heads of the Appeal Boards, the chief inspector, the chief chemist and the Dominion cerealist as ex-officio members, together with one representative of the milling industry, and thirteen representatives of the producers; four of the last mentioned from Alberta, five from Saskatchewan, three from Manitoba and one from British Columbia.

The new sections of the act covering this matter read as follows;

"40. (1) There shall be for the Western Inspection Division a Board to be known as the 'Western Grain Standards Board' or 'Standards Board,' appointed by the Board of Grain Commissioners, which shall consist of the commissioners, the chairmen of the Boards of Grain Appeal, the chief inspector, the chief chemist of the Board and the Dominion cerealist as ex-officio members, together with one representative of the millers, four representatives of the producers of Alberta, five representatives of the producers of Saskatchewan, three representatives of the producers of Manitoba and one representative of the producers of British Columbia.

"Western Grain Standards Board." **NEW**

Provided that in the event of the said aforementioned persons or any of them being unable or refusing to act as members or attend any meeting of the Stand-

ards Board, the Board shall appoint a sufficient number of other persons within the class of persons by this subsection named to be members in the place and stead of said persons: Provided, however, that the representation on the Standards Board of the several classes hereinbefore named shall always be maintained.

Oath of office.

(2) Every member other than the ex-officio members, before acting as such, shall take an oath of office, in such form as may be prescribed by the Board.

Appointment.

(3) The members shall be appointed each year not later than the first day of July and shall hold office until the thirtieth day of June of the year next following.

Quorum.

(4) At any meeting of the Standards Board two-thirds of the members of the said Board shall constitute a quorum.

Meetings.

(5) The Standards Board shall meet at such times and places as the Board shall direct.

Notice of meetings.

(6) Notice of the meetings of the Standards Board shall be given by the Board to the members by registered post or by telegram.

Travelling expenses and allowances.

(7) Members shall be paid their actual transportation expenses to and from the meetings of the Standards Board and a per diem allowance of twenty dollars while so travelling and while in attendance at Board meetings. Provided, however, that the per diem allowance shall not be paid members who may be officers or employees of the Dominion Government.

NEW

Report on milling and baking value.

"41. Official standards shall not be finally established by the Standards Board until the chief chemist of the Board or his assistant has reported on their milling and baking value.

NEW

"Commercial grades standards."

"42. (1) The Standards Board shall establish standards which, when made to apply to grades other than the statutory grades, shall be and be known as 'Commercial Grades Standards.'

Standards of Pacific grain.

(2) The Board may at any time authorize and direct the Standards Board to establish standards of grain typical of the grain passing to Pacific ports to govern the inspection and grading of such grain.

NEW

Inspection of commercial grades.

"42A. In the inspection of grain of commercial grades, inspection officers shall be governed by the commercial grades standards.

NEW

Inspection of statutory grades.

"42B. In the inspection of grain of statutory grades, inspection officers shall be governed by the standard samples except where there is a variation between such samples and the definitions of grades under the Act, in which case grain carrying the statutory minimum weight per bushel and the statutory minimum percentages and in all other respects up to the said samples shall be given a grade equal to the grade represented by the said standard sample.

"42c. The chief inspector shall distribute portions of all standard samples to such persons as the Board may direct, and inspectors shall, upon request, furnish standard samples certified in writing over their hands as being samples of the official standard of a specified grade. For all such samples, inspectors shall charge and collect such fee as may be fixed by the Board."

Distribution of standard samples. **NEW**

The following sections appeared in the act last year but are now repealed. They are given here to afford an opportunity of comparison.

40. The Board may select such number of fit and skilful persons as it deems necessary to constitute a grain standards board for any division or district, for the purpose of establishing such commercial grades and of choosing samples of such grades to be the standards therefor.

Standards established by grain standards board. **Repealed**

2. The selection of any such grain standards board shall be permanent and effective until superseded or replaced by the selection of other persons to act for that purpose.

Selection to be permanent.

3. The board so constituted shall select only the standards found necessary to be designated as commercial standards.

Standards.

4. The chief inspector shall distribute portions of all standard samples so chosen to such persons as the Board directs, and in the inspection of grain of marked characteristics as aforesaid, inspecting officers shall be governed by the samples so chosen.

Samples.

5. In the inspection of all grain other than that subject to be graded as commercial grade, the inspectors shall be governed by the grades established by this Act. 1925, c. 33, s. 40.

Inspectors to be governed by the Act.

41. The packages containing the samples so distributed and the certificates granted by inspecting officers in relation to such grain, shall be marked "Commercial grade." 1925, c. 33, s. 41.

Special marks. **Repealed**

42. A grain standards board shall be summoned for the establishment of commercial grades and the selection of samples thereof whenever the chief inspector or three members of the said board notify the chairman of the said board that such a course is necessary. 1925, c. 33, s. 42.

Summoning of grain standards board. **Repealed**

Section fifty-five of the act dealing with weighmas-SEC. 55. ters, is amended to the same minor extent as was section 29; i.e. the Board of Grain Commissioners is authorized to finance the bonding required by the act. The section reads as below; the last fourteen words being new.

"55. Every weighmaster or assistant weighmaster so appointed shall, before exercising the duties of his office, furnish a guarantee bond in such amount as the Board directs and the premiums assessed for such guarantee bond shall be paid by the Board."

Guarantee bond. **Amended**

The whole matter of mixing wheat in terminals was considered by the Committee on Agriculture and Colonization and a great deal of evidence was taken. Pool representatives were present and strongly urged that the 75-25 outturn be adopted. Hitherto the outturn from terminal elevators could be, and generally was, the bare minimum of the grade; henceforth the outturn must be composed of a combination of 25 per cent. of the minimum of the grade and 75 per cent. of the average of the grade of wheat passing inspection points.



It is common knowledge that wheat passing inspection points varies greatly within the grade. Take the grade of 3 Northern: many cars may be a very good 3 just under a 2; other cars may be half way—just midway between a 4 and a 2. Then again, other cars will be just over the line from a 4 wheat, too good for a 4 and the minimum of 3. It may be readily seen that an average sample from all these cars will be a great deal better than the minimum of the grade. Mixing houses have been taking advantage of this situation and the general practice has been to degrade the run of wheat until it is barely within the required grade.

There has been a decided opinion on the part of the producers that the degrading of Canadian wheat by mixing houses until it all goes out at the minimum of the grade, has resulted in lower prices for Canadian wheat. It is contended that if the wheat goes out of the terminals on the average run, it will be much better quality and the producer will get a higher price. It is pointed out that with practically every other product a higher price is obtained for a better article and proponents of the idea claim that wheat is no exception.

Minister's Statement

At the passing of the legislation, Hon. James Macdonald, Minister of Trade and Commerce, stated in the House: "Considerable complaint has been made with regard to the lack of uniformity in the outturn standards of grain from our terminal elevators, and while the inspection board set higher standard of outturns than the standard of inspection at Winnipeg, on appeal these could not be sustained. It was thought advisable to provide by statute that the outturn standard of all grades of grain from the terminal elevators should be as near the average of the grade as it was possible to obtain; therefore, in order to give uniformity of grade in the flow of grain

to Europe or the Orient during any one crop season, the committee decided to adopt the recommendations made by the officers of the Western Pool that the outturn standard of the grade from terminal elevators should be 75 per cent. of the average of the grade and 25 per cent. of the minimum of the grade."

The newly adopted form of section 84, bringing into effect the 75-25 outturn standard, reads as follows:

"84. (1) Notwithstanding anything to the contrary in this Act contained, on and after the first day of August 1929, all grain of the grades mentioned and defined in section ninety-six of the Act under the heading 'Spring Wheat' and more particularly described therein as 'No. 1 Manitoba Hard, No. 1 Manitoba Northern, No. 2 Manitoba Northern, and No. 3 Manitoba Northern,' and all hard Red Spring Wheat of the grades known as commercial grades, shipped from any elevator or warehouse, except a country elevator, shall be shipped and graded out of such elevator or warehouse on a composite standard sample equal to 75 per cent of the average quality of the grade at the primary inspection point and 25 per cent of the minimum quality of such grade at the said primary inspection point: Provided that when grain has deteriorated or changed condition in storage, the inspecting officer shall issue only a certificate in accordance with the facts. The said composite standard samples shall be established by the Standards Boards and the foregoing provisions of this Act with respect to the establishing of standard samples, as nearly as may be applicable, shall apply.

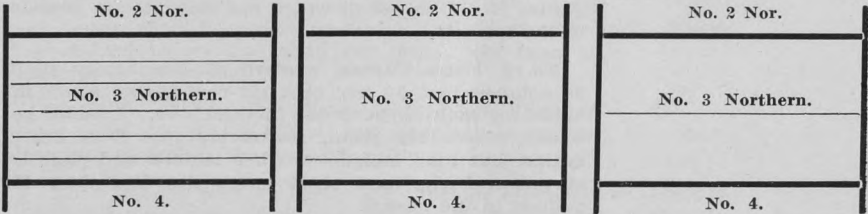
Outturn standards. **NEW**

(2) No grain while being received into, while in store in, or while being shipped out of any public elevator, shall be mixed one grade with another or with anything else whatsoever."

Mixing prohibited in public elevators.

The following figures show in a simple graphical way the changes effected by the amendment discussed above.

Heavy Black Border Shows Limits of a Grade of Wheat, Say 3 Northern



Light lines show various qualities of 3 Nor. within the limits of the grade, as delivered by producers. Some wheat is just under a 2 Nor., some in the middle of 3 Nor. grade and some just above 4 wheat.

Light line shows wheat as delivered from mixing house, at the minimum of the grade. This has been the general practice and will be changed under the new regulations.

Under new regulations wheat delivered from terminals must be equal to 75 per cent. of the average of the inspections passing primary inspection points, plus 25 per cent. of the minimum of the grade. Light line shows standard of the outturn under new regulations.

The following is the wording of the old section 84 which is now repealed:

Grain
shipped as
graded into
elevators.
Proviso.

84. All grain shipped from any public terminal or public elevator within the division shall be shipped only as graded into such elevators by the inspecting officers: Provided that when grain has deteriorated or changed condition in storage the inspecting officer shall issue only a certificate in accordance with the facts. 1925, c. 33, s. 84.

SEC. 96.

Section ninety-six of the Canada Grain Act is concerned with the definitions of the various grades of grain grown in Western Canada. The sections dealing with barley grades have all been amended, chiefly as a result of the recommendations of the special Wheat Pool committee which made a thorough investigation of the barley market in Europe last spring. The new definitions of grades of barley are as follows:

Barley.

"Grades Nos. 1, 2 and 3 extra Canada Western Barley shall apply to barley that is of good utility value for malting purposes and for these grades, 'sound,' shall mean, free from frosted, sprouted, heated, musted, or artificially dried grain, and shall be practically free from broken, skinned or otherwise damaged grain.

SIX-ROW BARLEY

NEW

Six-row
barley.

No. 1 Canada western six-row barley shall be composed of 95 per cent six-row barley of one variety or type, and equal in value for malting purposes to O.A. C. 21. It shall be sound, clean, practically free from other grain, plump, bright, and weigh not less than 50 pounds to the bushel.

No. 2 Canada western six-row barley shall be composed of 95 per cent six-row barley of one variety or type and equal in value for malting purposes to O.A. C. 21. It shall be sound, reasonably clean, free from other grains but not plump or bright enough to be graded No. 1, and shall weigh not less than 49 pounds to the bushel.

No. 3. Extra Canada western six-row barley shall be composed of 90 per cent six-row barley equal in value for malting purposes to O.A.C. 21. It shall be sound, reasonably clean, reasonably free from other grains, but may include weather stained and slightly shrunken barley and shall weigh not less than 48 pounds to the bushel.

TWO-ROW BARLEY

Two-row
barley.

No. 1 Canada western two-row barley shall be composed of 95 per cent two-row barley of one variety or type and equal in value for malting or pearling purposes to Canadian Thorpe. It shall be sound, clean, practically free from other grain, plump, bright and shall weigh not less than 52 pounds to the bushel.

No. 2 Canada western two-row barley shall be composed of 95 per cent two-row barley of one variety or type and equal in value for malting or pearling purposes to Canadian Thorpe. It shall be sound, reasonably clean, reasonably free from other grains, but not plump or bright enough to be graded No. 1, and shall weigh not less than 50 pounds to the bushel.

No. 3 Extra Canada western two-row barley shall be composed of 90 per cent two-row barley equal in value for malting or pearling purposes to Canadian Thorpe. It shall be sound, reasonably clean, reasonably free from other grains, but may include weather stained and slightly shrunken barley and shall weigh not less than 48 pounds to the bushel.

TREBI GRADES

No. 1 Canada western trebi barley shall be composed of 95 per cent barley of trebi type, shall be plump, bright, sound, practically free from other grain and weighing not less than 50 pounds per measured bushel.

Trebi
grades.

NEW

No. 2 Canada western trebi barley shall be composed of 95 per cent barley of trebi type, shall be reasonably clean, sound, reasonably free from other grains, but not bright or plump enough to be graded No. 1, weighing not less than 49 pounds per measured bushel.

No. 3 Extra Canada western trebi barley shall be composed of 90 per cent barley of trebi type, shall be reasonably clean, sound, reasonably free from other grains, but may include weather stained barley and weigh not less than 48 pounds per measured bushel.

FEED BARLEYS

No. 3 Canada western barley shall be barley composed of any variety or type or combination of varieties or types, shall be sweet, reasonably clean and reasonably free from all other grains, may include weather-stained immature, shrunken, slightly frosted and otherwise damaged barley and shall not weigh less than 47 pounds to the bushel.

Feed
barleys.

No. 4 Canada western barley shall be barley composed of any variety or type or combination of varieties or types, shall be sweet, and may include damaged or stained barley and shall not weigh less than 46 pounds to the bushel.

No. 5 Canada western barley shall include damaged and badly weathered barley and shall not weigh less than 42 pounds to the bushel.

No. 6 Canada western barley shall include all barley excluded from the preceding grades on account of weight or admixtures.

Barley inspected as 'No grade,' 'Tough,' or 'Damp,' and artificially dried, shall not be graded higher than No. 3 Canada western barley."

Prior to the above amendment, the barley definitions were contained in the following short section;

No. 1 Canada western barley shall be plump, bright, sound, clean and free from other grain and shall weigh not less than 48 pounds to the bushel.

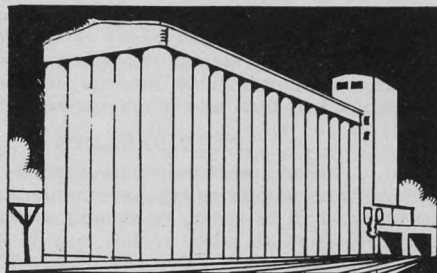
No. 2 Canada western barley shall be reasonably clean and sound but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than 48 pounds to the bushel.

No. 3 extra Canada western barley shall be in all respects the same as No. 2 barley, except in colour, weighing not less than 46 pounds to the bushel.

No. 3 Canada western barley shall be reasonably clean and reasonably free from all other grain; shall include weather stained and slightly shrunk but sound barley and weighing not less than 45 pounds to the bushel.

No. 4 Canada western barley shall include all damaged barley weighing less than 45 pounds to the bushel.

The importance of these amended barley definitions to the farmers of Western Canada cannot be over-estimated. During the past few years the production of barley in Manitoba, Saskatchewan and Alberta has increased to a remarkable extent. In fact, Manitoba now produces more barley than it does wheat. This great increase in production has brought entirely new marketing problems to the fore, and the coarse grains division of the Canadian Wheat Pool has felt the full force of them.



For many years, barley was looked upon as a sort of scavenger crop in Western Canada, used chiefly to clean up land which had become too weedy or dirty for successful wheat growing, and the barley grown under these conditions was used only for local stock feeding. However, the Pools have realized the importance of looking upon barley as a commercial crop of great value, and they are now turning their earnest attention to the matter of inducing prairie farmers to adopt advanced cultural methods in connection with barley production, so that Canadian barley will be able to meet the rigid standards of maltsters and other barley buyers on the world's markets. The Canadian Wheat Pool has just issued a booklet prepared by Professor J. T. Harrison, of the Manitoba

Agricultural College, dealing with barley grades, and varieties and proper methods of cultivation.

Section 108 of the act now reads;

SEC. 108.

"108. (1) The Board shall also receive and investigate all complaints in writing,

Receipt
and
investiga-
tion of
complaints.

Amended

- (a) of undue dockage, improper weights or grading;
- (b) of refusal or neglect to furnish cars within a reasonable time;
- (c) of fraud or oppression or discrimination by any person, firm, or corporation, owning or operating any elevator, warehouse, mill or railroad, or by any grain commission merchant, or track-buyer;
- (d) of any violation of any provision of this Act, or any rule or regulation made in pursuance thereof."

The section formerly contained the words "under oath" in the second sentence, following the word "writing." The amendment simply means that in future the Board will not ordinarily require that complaints be made under oath; although the new section 108A (see below) provides that the Board may require a supporting affidavit if it sees fit.

The Act is amended by inserting immediately after section one hundred and eight the following section:—

"108A. Notwithstanding anything to the contrary in the Act contained, the Board may require that any complaint in writing shall be verified by the complainant by affidavit."

Complaint
verified by
affidavit. **NEW**

Complaints made under section 109 need no longer be supported by an oath. The section now reads;

SEC. 109.

"109. (1) The Board shall also receive and investigate all complaints in writing, of any shortage in grain, upon the delivery of same from an elevator to a vessel or from a vessel to an elevator, and shall have power to assess or apportion the loss arising from such shortage amongst the elevator operators and water carriers having to do with the said grain, and the finding of the Board and such assessment or apportionment certified over the hand of a majority of the Board, shall be delivered or sent to all persons concerned in such finding, assessment or apportionment, and shall be final, and shall be enforceable in any court of competent jurisdiction."

Receipts
and investi-
gation of
complaints
of shortage
in grain,
and appor-
tionment.

Amended

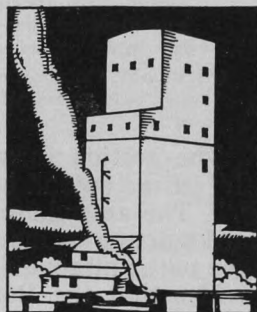
The operation of public terminal elevators is dealt with in section 114 of the act. Sub-section four, which is concerned with complaints made under the section, formerly required that each complaint be accompanied by an affidavit. This feature has now been eliminated in the amended section which reads;

SEC. 114.

Amended Revocation
upon proof
of complaint.

"(4) Upon complaint by any person, in writing, setting forth the alleged particular violation of law or rule or regulation, the Board shall forthwith examine into such complaint, and may require such proof as it deems necessary, and if the allegations made are proved to the satisfaction of the Board it may recommend to the Governor in Council the revocation of such license, accompanying such recommendation with the evidence upon which it is based, and the Governor in Council may thereupon, in his discretion, revoke such license."

SEC. 116. Western grain tendered to any public terminal in the Eastern Inspection Division must be accepted in the usual way without discrimination, under the provisions of section 116 of the act. Sub-section six of this section, however, makes provision for periods of the year when this rule shall not apply to certain elevators. This point is now set out in the following words;



Amended Board may
relieve from
obligation.

"(6) The Board may in the case of any such elevator, before granting a license, fix periods of time in any year during which the elevator may be relieved from the obligation to receive such grain for storage; and notice of such action of the Board shall be posted forthwith in all the grain exchanges in Canada."

The words "before the opening of navigation" appeared in this sub-section, prior to the amendment, in place of the words "before granting a license."

SEC. 140. The opening words of section 140 of the act formerly read;

Repealed Private
elevators
and powers
of Board.

140. Notwithstanding anything contained in this Act the Board shall, subject to the approval of the Governor in Council, make provision for licensing and regulating private elevators and to determine the conditions under which the grain handled by such elevators may be weighed and inspected and such elevators when so licensed may carry on the business of mixing grain and grades of grain and shall in the course of their operations be bound only to observe such regulations as may be made by the Board as aforesaid:

These words will be struck off the statute book after the delivery of the 1929 crop, and on August 1st, 1930, the following sections will replace them.

"140. (1) Notwithstanding anything contained in this Act the Board shall, subject to the approval of the Governor in Council, make provision for licensing and regulating private elevators and to determine the conditions under which the grain handled by such elevators may be weighed and inspected. Such elevators shall in the course of their operations be bound only to observe such regulations as may be made by the Board as aforesaid.

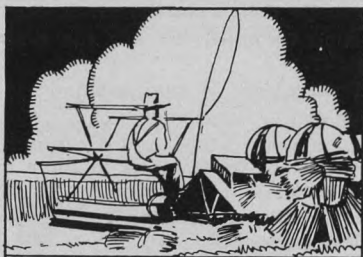
Licensing and **NEW** regulating private elevators.

(1A.) Private elevators when so licensed may carry on the business of mixing grain and grades of grain except grain of the grades mentioned and defined in section ninety-six of the Act under the heading 'Spring Wheat' and more particularly described therein as No. 1 Manitoba Hard, No. 1 Manitoba Northern, No. 2 Manitoba Northern and No. 3 Manitoba Northern."

Certain mixing prohibited in private elevators.

This amendment is the climax of the long complaint made by western farmers against the practice of mixing, as carried on in private elevators. Farmers in all parts of Western Canada urged the government to put a stop to the practice of mixing the statutory grades of Canadian wheat, on the grounds that mixing improperly reduced the returns to the grower, and that it lowered the reputation of our wheat in foreign markets.

The chief inspector advised the committee that he would require possibly six hundred additional men to enforce the proposed prohibition against mixing.



In view of this fact, and in order to give the inspection department sufficient time to be adequately prepared to enforce the new law, it was decided that the amendment should not come into force until

next year. During the present crop-year, however, the enforcement of the 75-25 outturn standard will, to some extent, remedy the evil, and pave the way for the new regulations next year.

Section 150 of the act embodies the terms of what is widely known as "the Campbell Amendment." It was the ground upon which the Board of Grain Commissioners gave birth to the notorious "hybrid ticket," and its interpretation has been the source of much annoyance to Wheat Pool members for the past two years. The Campbell amendment sought to place back in the act a clause which had been temporarily withdrawn and which declared that grain received into storage was deliverable to the person ON WHOSE ACCOUNT IT HAD BEEN

SEC. 150.

TAKEN INTO STORAGE, or to his order. The main difficulty arose when the Board improperly permitted the use of tickets which included the words, "ON ACCOUNT OF MANITOBA (Saskatchewan or Alberta) WHEAT POOL." The effect of this was to take away from the producer the right to ship his wheat from a line company country elevator to a Wheat Pool terminal; and gave the line companies the right to ship the wheat to their own terminals under their agreements with the Pools. Hence the entire intention of the Campbell amendment (which sought to give the shipper the right to designate the terminal to which his grain should go), was defeated.

This unfortunate state of affairs has now been rectified by the amendment of section 150. The old and new wordings of the section are given below, with the amended portions in outstanding stype.

Newly worded section:

Amended

Warehouse
receipt.

"150. (1) The operator of any country elevator shall deliver to any individual actually delivering grain for storage or shipment a warehouse receipt or receipts in the name of the individual, or jointly in the name of two or more individuals, designated by the individual actually delivering the grain. Such receipt or receipts shall be dated the day the grain was received and specify,

- (a) the gross and net weight of such grain;
- (b) the dockage for dirt or other cause;
- (c) the grade of such grain when graded conformably to the grade fixed by law and in force at terminal points; and
- (d) that the grain mentioned in such receipt has been received into store.

Contents of
receipt.

(2) Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring, delivering or otherwise handling such grain, which may accrue up to the time of the return of the receipt, the grain is deliverable to the individual or individuals named in the said warehouse receipt, or to his or their order, from the country elevator where it was received for storage, or, if he so desires, in quantities not less than carload lots, on track at any terminal elevator in the Western Inspection Division, or at a proper terminal elevator at or adjacent to Duluth, so soon as the transportation company delivers the same at such terminal, and the certificate of grade and weight is returned."

The former, troublesome wording of section 150 was as follows;

150. The person operating any country elevator shall, upon request of any person delivering grain for storage or shipment, deliver to such person a warehouse receipt or receipts, dated the day the grain was received and specifying,

Warehouse receipt. **Repealed**

- (a) the gross and net weight of such grain;
- (b) the dockage for dirt or other cause;
- (c) the grade of such grain when graded conformably to the grade fixed by law and in force at terminal points; and
- (d) that the grain mentioned in such receipt has been received into store.

2. Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring, delivering or otherwise handling such grain, which may accrue up to the time of the return of the receipt, the grain is deliverable to the person on whose account it has been taken into store, or to his order, from the country elevator where it was received for storage, or, if he so desires, in quantities not less than carload lots, on track at any terminal elevator in the Western Inspection Division or at a proper terminal elevator at or adjacent to Duluth, so soon as the transportation company delivers the same at such terminal, and the certificate of grade and weight is returned.

Contents of receipt.

Under the amended section 150, any person actually delivering wheat has the right to demand a warehouse



receipt, and has the further right to designate to the elevator agent what individual's name is to appear on the ticket. A Wheat Pool member may now demand that his own name be placed on his tickets, and the elevator operator must comply or make himself liable to the penalties provided by the Board. The wheat is then deliverable to the individual named, or to his order, on track at any terminal he may designate.

Regulations governing the issuance of forms and tickets required by the act are provided in section 170. Parliament has now inserted the following additional clause to the section:

NEW

Tickets and receipts to owners or operators of country elevators.

"(4) The Board shall, upon payment therefor, supply or authorize any person or persons to supply tickets or receipts to the owners or operators of country elevators, and no such owner or operator shall issue or use any other ticket or receipt than that so supplied or authorized to be supplied."

SEC. 179
to
SEC. 191.

The most wide-spread matter of complaint brought to the attention of the Royal Commission appointed by the Saskatchewan government, was the administration of the car-order book provisions of the act. The evidence showed that, generally speaking, the car-order book system was a complete failure last year. To remedy this condition, all of the sections of the act dealing with the subject were thoroughly overhauled.



Among the chief abuses connected with the working of the car order book and which have given rise to difficulties in car distribution are "plugging" of the books and the use of fictitious names. The following paragraphs briefly explain the new provisions:—

At each station where there is a railway agent, a car order book shall be kept open throughout the year. If the agent neglects or refuses to open the book, both the agent himself and the railway company are liable to be heavily fined.

Every order for a car shall be made by the applicant in person or by his agent duly appointed in writing. When the application is made by such agent, the written authority of the agent must be filed with the railway agent at the time of the application. No person can act as agent for more than one party at a time.

A member of the Pool shall, for the purpose of ordering his car, be deemed to be the owner of his grain, and will thus have all the privileges provided for in the Act.

The applicant shall, in his order for the car, specify a description of the land on which the grain is grown, the size of car required, and the elevator, loading platform, station or other place where the car is to be spotted.

Every applicant for a car must state in his application that in his belief the grain which he intends to ship will be ready to load by the time the car is furnished.

No car shall be furnished by the railway agent to any applicant unless the car is ordered as provided for in the Act.

Cars are to be furnished in the order of application as the names appear on the order book, and without any discrimination.



If the car furnished by the railway company is not of the size required by the applicant, such applicant shall not lose his priority, but he shall be entitled to the first car of the required size which can be furnished to him by the company.

Every applicant, upon being informed by the railway agent of the allotment to him of his car, shall within three hours declare his intention and ability to load the car within the time required.

If the applicant, after declaring his intention, shall not have commenced loading the car within 24 hours, the railway agent shall cancel the order.

In the allotting of cars, one car only shall be allotted in each case to the applicant, excepting in the case of a country elevator, which shall receive two cars on each allotment. (This provision allowing the country elevator to secure two cars is to accommodate the farmer who sells his grain on street).

The period of time which shall be allowed for loading a car shall be 48 hours, except during the months of September, October and November, when it shall be 24 hours.

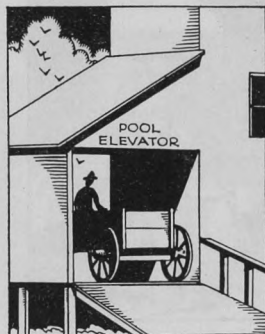
No applicant shall have more than one unfilled order on a car order book at any one time. When an applicant has loaded the car allotted to him, he shall then be entitled to order another car, and shall sign the car order book as prescribed; and so on until his requirements have been filled.

Everyone who (a) Not being entitled thereto, orders a car for shipping grain; (b) Orders for any fictitious person, or for any person who is not entitled thereto, a car for shipping grain; (c) Has at any time more than one unfilled order on a car order book, or has at any time an unfilled order for a car for the shipment of the same grain on more than one car order book, is guilty of

an offence and liable, on summary conviction, to be fined. The magistrate before whom such person is convicted shall, upon the application of the informant or any producer of grain, deliver a certificate of the conviction, and the railway agent shall, upon such certificate being filed with him, forthwith cancel the order.

Infractions of these regulations render the guilty parties liable, on summary conviction, to a penalty of not less than twenty-five dollars for the first offence; not less than two hundred and fifty dollars or two months in jail for a second offence; and a penalty of not less than five hundred dollars or three months in jail for a third offence.

The new sections come into force with the present crop, and it is hoped that they will prove completely satisfactory when administered by the new Board of Grain Commissioners. The amended sections read as follows:



Order
book.

"179. (1) At each station where there is a railway agent and where the grain is shipped under such agent, an order book for cars shall be kept for each shipping point under such agent in which every order for a car for the shipment of grain from such shipping point shall be entered, and which shall be kept open to the public. (S. 179 ss. 1 amended.)

Car order
book form.

(2) The car order book and the order for a car shall be in the form D1 in the First Schedule to this Act, (S. 179 ss. 2.)

Duties of
person at
flag station
or siding.

(3) In the case of a flag-station or siding from which grain is shipped, the Board may, in its discretion and for such period or periods as it deems necessary, require the railway company to provide at such flag-station or siding a suitable person whose duties shall be

- (a) To keep open for the use of shippers at all times during the day a car order book, as provided under this Part, in which orders for cars may be entered in accordance with the provisions of this Part:
- (b) when the loading of cars is completed, to seal such car or cars:
- (c) to provide shippers with the regular form of grain shipping bill: and
- (d) when such shipping bill is properly filled out by the shipper, to hand it to the conductor of the train that picks up such car or cars or place it where such conductor may get it.

(4) This section shall not apply to a siding used exclusively for the passing of trains.

Certain
sidings.

(5) All of the aforesaid car order books shall be supplied by the railway company. (S. 179 ss. 6 amended.)

Car order
books to be
supplied.

(6) Every railway company which fails to supply or keep open for use, a car order book for any such station, flag-station, or siding at the proper place where the same is to be kept under this Part, or which fails to comply with any requirement made by the Board under subsection three of this section, is guilty of an offence and liable, on summary conviction, to a penalty of not less than five hundred dollars nor more than one thousand dollars. (S. 179 ss. 5 amended.)

Penalty
on railway
company
for non-
compliance.

(7) Every railway agent or employee who refuses to use or fails to keep open for use, any car order book supplied to him for any such station, flag-station or siding, is guilty of an offence, and liable, on summary conviction, to a penalty of not less than one hundred dollars, nor more than two hundred dollars. (New.)

Penalty
for agent
or employee.

"180. (1) Every order for a car shall be made by the applicant in person or by his agent duly appointed in writing. (New.)

Application
for car.

(2) The agent of the applicant shall be a resident in the vicinity of the shipping point for which the car is ordered, and if the car order is signed by the agent the appointment of such agent shall be forthwith deposited with the railway agent. (New.)

Agent for
applicant.

(3) No person acting in the capacity of a duly authorized agent shall at any one time order a car for more than one applicant and no applicant or agent shall make an entry in the said book until any previous entry made by him or for him shall have been filled or cancelled as hereinafter provided. (New.)

One
applicant
at a time.

(4) Notwithstanding any of the foregoing provisions of this section, an order for a car for a country elevator may be made on behalf of such elevator by the local operator or other person for the time being in charge thereof, and it shall not be necessary for such operator or other person to obtain or file any appointment in writing as aforesaid. (New.)

Country
elevator.

(5) Applicants or their agents shall be entitled to sign the car order book in the order of their arrival at the place where the said book is kept, without discrimination between producer, country elevator or otherwise. (New.)

Order of
signing.

"181. (1) Every person who is a member of any of the organizations of grain producers known as grain pools, and incorporated by Act of the legislature of any of the provinces of Canada shall, for the purpose of ordering a car or cars for the shipment of grain under the provisions of this Part, be deemed to be the owner of the grain delivered by him to or on account of such organization. (New.)

Members of
pools.

Groups.	<p>(2) If a group of two or more producers of grain desire to load a car with grain, part of which belongs to each of them, without bulkheading and without putting such grain through a country elevator, then, notwithstanding any of the provisions of section one hundred and eighty such group shall for the purpose of ordering a car or cars under the provisions of this Part, be considered as one person, and any member thereof may, upon obtaining from his fellow members and filing with the railway agent an authority in writing so to do, order a car on behalf of such group. (New.)</p>
Application for cars.	<p>"182. (1) An applicant may order a car according to his requirements of any of the standard sizes in use by the railway company, and may in his order therefor, designate the country elevator, loading platform, siding or other convenient place at which the car so ordered shall, subject to the provisions of this Act, be spotted or placed for him by the railway company. (S. 180, ss. 1 amended.)</p>
Order for cars.	<p>(2) The applicant or his agent duly appointed in writing in the manner aforesaid, shall furnish to the railway agent, for insertion in the car order book, the name and post office address of the applicant, the place where the car is to be placed for loading, and the kind of grain to be loaded, and shall in the order for the car declare that the applicant is at the time of the making of such order, the actual owner of a carlot of grain of the kind designated in the said order, and that in his belief the said grain will be in a position to load by the time the car can be furnished to him. (S. 181, ss. 1 amended.)</p>
Description of land where grain was grown.	<p>(3) Unless the car is for a country elevator, the applicant or his said agent shall also furnish to the railway agent, for insertion in the car order book, a description by section, township, range and meridian, of the land on which the said grain was grown, and shall also in the order for the car, declare that the applicant has not at the time of the making of such, order, any unfilled order for a car for the shipment of grain grown on the said land or on any other car order book. (New.)</p>
Order in triplicate.	<p>(4) Each order shall be made in triplicate and shall be consecutively numbered in the car order book by the railway agent at the time the car is ordered and the said railway agent shall also at the same time fill in all particulars of the application except the applicant's signature, which shall be signed by the applicant or his said agent. (S. 181, ss. 1 amended.)</p>
Order to be signed by railway agent.	<p>"183. (1) Each order for a car shall also be personally signed by the railway agent, who shall remove both the duplicate and triplicate from the car order book, and keep the duplicate in a separate file under his own control and give the triplicate to the applicant or to the applicant's agent if the order is made by an agent. (New.)</p>
If car order book lost.	<p>(2) If any car order book is lost, destroyed or otherwise disappears, the railway agent shall forthwith prepare a new book, and enter therein all of the orders which have not been filled or cancelled, in order of priority to which such orders are entitled as shown by the duplicate to orders on his separate file. (New.)</p>

(3) The applicant shall carefully preserve the triplicate of the said order, and if neither the original order book, nor the said duplicate orders can be found or produced, the railway agent shall forthwith post up in a conspicuous place in the station or other place where the said book shall be kept and in the nearest post office, written notices that the said book and duplicate orders are missing and that he intends to prepare a new book. (New.)

Applicant
to preserve
triplicate.

(4) All the applicants whose orders were entered in the missing book and have not been filled or cancelled, shall thereupon have forty-eight hours within which to produce the triplicate of their said orders to the railway agent who shall, at the expiration of the said period, forthwith prepare a new book and enter therein all orders which have not been filled or cancelled, so far as the same may then be known to him in the order of priority to which such orders are entitled as shown by the triplicate orders so produced to him and shall thereafter, but not before, permit other applicants to enter their orders for cars. (New.)

Orders in
missing
book that
have not
been filled.

(5) Subject to the foregoing provisions of this section in the event of any dispute arising as the result of the loss or destruction of the car order book or of any entry therein or entry extracted therefrom or in the event of the neglect or refusal of a railway agent to open a book the Board shall thereupon make such order or take such action as will provide, as speedily as possible for the opening of a proper book. (New.)

Action to be
taken by
the Board.

"184 (1) No car shall be furnished to any applicant for the shipment of grain unless the said applicant has first ordered such car in accordance with the provisions of this Part. (New.)

Car
furnished
on certain
conditions.

(2) Cars so ordered shall be furnished to applicants according to the order in time in which their orders appear in the car order book, without discrimination as to place of loading between country elevator, loading platform or otherwise. (S. 182 amended.)

How cars
to be
awarded.

(3) In case the applicant requires any special standard size of car, such size shall be stated by the railway agent in the car order book, and the railway company shall furnish a car of the size so ordered to such applicant in his turn, as soon as the same can be furnished to him by the railway company. (Part s. 180, ss. 1 amended.)

If special
car required.

(4) If any car or cars furnished by the railway company at any station are not of the size required by the applicant first entitled thereto, such applicant shall not lose his priority, but shall be entitled to the first car of the required size which can be furnished to him by the railway company. (Part s. 180, ss. 2 amended.)

Priority
as to cars.

"185. (1) Each applicant or agent upon being informed by the railway agent of the allotment to him of a car in good order and condition shall, within three hours, declare his intention and ability to load the said car within the time hereinafter prescribed. (S. 183, ss. 1. No change.)

Intention and
ability to
load to be
declared
within three
hours.

Failure so
to declare.

(2) In the event of such applicant or agent failing so to declare his intention and ability to load the car allotted to him, the railway agent shall thereupon cancel the order by writing in ink across the face thereof the word "Cancelled," and the date of such cancellation, and shall sign his name thereunder. (S. 183, ss. 2 amended.)

Failure to
commence
loading
within 24
hours.
Cancellation.

(3) If the applicant, after declaring his intention and ability as aforesaid, shall not have commenced loading the car within twenty-four hours thereafter, the railway agent shall thereupon cancel the order in the manner aforesaid. (S. 183, ss. 3. No. change.)

In case of
cancellation.

(4) Upon the cancellation of an order under any of the provisions of this section, the railway agent shall award the car in accordance with the following provisions:—

(a) If such car has been spotted or placed for loading at the place designated in the order of the applicant next entitled to a car, the said car shall be awarded to such applicant.

(b) If such car has been spotted or placed for loading at some other place, the said car shall notwithstanding the provisions of section one hundred and eighty-four be awarded to the next applicant who has ordered a car to be spotted or placed for loading at the place where such car has been spotted or placed: Provided always that in such cases, no applicant to whom the said car would otherwise have been awarded shall lose his priority, but shall be entitled to the next car of the size ordered by him which can be furnished to him at the place designated in his order. (New.)

Number of
cars to be
allotted.

"186. (1) In the allotting of cars under the provisions of this Part, one car only shall be allotted in each case to the applicant, except in the case of a country elevator, which shall receive two cars on each allotment. (New.)

Country
elevator's
privilege
may be
cancelled,
etc.

(2) The Board may in its discretion cancel or suspend the country elevator's privilege of obtaining two cars upon allotment and restrict the said allotment to one car, at any point where, owing to prevailing conditions, it is deemed expedient so to do. (New.)

In case of
shortage.

(3) The Board may, in its discretion, during a car shortage direct the railways to make an equitable distribution of empty grain cars to all stations or sidings in proportion to the amount of grain available for shipment from such stations or sidings. (S. 190. No change.)

Spotting and
placing of
cars by
company.

"187. (1) Subject to the provisions of this Act, every car shall be spotted or placed for the applicant by the railway company at the country elevator, loading platform, siding, or other place designated by the said applicant in his order for such car. (Part s. 186 amended.)

(2) No car shall be deemed to be furnished to an applicant within the meaning of this Part, until it is spotted or placed for him for loading at the place designated in his order for such car, nor unless it is in a proper condition to receive and carry the kind of grain designated in the said order. (S. 188 and Part s. 182 amended.)

When car
deemed
furnished.

(3) Each person to whom a car has been allotted under the foregoing provisions shall, before commencing to load it, notify the railway agent of its proposed destination. (S. 187. No change.)

Destination
to be given.

(4) The period of time which shall be allowed for loading a car secured under the provisions of this Part shall be forty-eight hours, except during the months of September, October and November when it shall be twenty-four hours. (S. 191. No change.)

48 hours
for loading.

"188. (1) When an applicant has loaded a car allotted to him or his order therefor has been cancelled, he shall, if he requires another car, be entitled to again order a car and sign the car order book in manner aforesaid, and when the second car has been allotted to him and he has loaded the same, or his order therefor has been cancelled, he may again order another car and sign the car order book as aforesaid, and so on until his requirements have been filled. (S. 189, paragraph (b) amended.)

When car
has been
loaded.

(2) No applicant shall have more than one unfilled order on the car order book at any one time. (S. 189, paragraph (c) amended.)

Only one
unfilled
order at
a time.

"189. When the car has been furnished the railway agent shall duly enter in ink in the car order book
(a) the date and time when the car was furnished;
(b) the car number; and
(c) when loaded, the date of such loading and the destination of the car. (S. 184, ss. 2 amended.)

Duty of
agent
when car
furnished.

"190. The Board may, with the approval of the Governor in Council, by regulation, modify any of the provisions of this Part in such manner as may be deemed advisable for the purpose of more fully protecting the interests of the producers of grain, and of facilitating the distribution of cars without discrimination as between producer, country elevator or otherwise. (New.)

Power of
the Board
to modify
provisions
this Part.

"191. (1) Everyone who
(a) not being entitled thereto, orders a car for shipping grain;
(b) orders for any fictitious person, or for any person who is not entitled thereto, a car for shipping grain;
(c) has at any time more than one unfilled order on a car order book, or has at any time an unfilled order for a car for the shipment of the same grain on more than one car order book;
is guilty of an offence, and liable, on summary conviction, to a penalty of not less than twenty-five dollars, nor more than two hundred dollars, and in default of payment, to imprisonment for not less than one month, nor more than two months. (New.)

Offences
penalties.

Cancellation of order upon certificate of conviction.

(2) The magistrate before whom such person is convicted, shall upon the application of the informant, or any producer of grain, issue and deliver to the applicant therefor, a certificate of such conviction, and the railway agent having the custody of the car order in respect of which the said conviction is made, shall upon such certificate being filed with him, forthwith cancel the said order. (New.)

Board may order entry to be struck out.

(3) The Board may order that any entry in the car order book, found upon investigation, to have been made contrary to the provisions of the Act or regulations shall be struck out of the said book and the railway agent in charge of the book shall forthwith execute such order of the Board. (New.)

Procedure imperative.

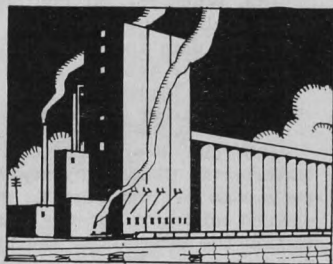
(4) No cancellation of a car order by a railway agent shall be lawful, unless such cancellation is made in the manner provided in section one hundred and eighty-five, or in this section. (S. 182, ss. 4 amended.)

Proviso.

Provided however that the Board may order the restoration to the car order book of any order cancelled by the railway agent contrary to the provisions of the Act. Such restored order shall be given, as nearly as may be possible, the same order of precedence as it would have enjoyed if such cancellation had not been made." (New.)

SEC. 193.

Section 193 of the act makes provisions for "order points"; i.e., points where a car may be held, upon orders from the shipper, pending instructions as to its disposal or destination. An addition is made to sub-section 2, making Moose Jaw and Saskatoon both order points, in addition to those formerly constituted by the act. The wording of the sub-section now is:



Amended

Moose Jaw and Saskatoon made order points.

"(2) To the extent to which any provisions of sub-section one of this section are stated therein to apply to Winnipeg or St. Boniface, such provisions shall also, to the like extent, apply to Calgary, Edmonton, Fort William, Moose Jaw and Saskatoon, and in every such case, wherever the words 'Winnipeg', 'Winnipeg-St. Boniface' or 'Winnipeg or St. Boniface' occur, the said subsection shall be read as if the words 'Calgary', 'Edmonton', 'Fort William', 'Moose Jaw' or 'Saskatoon' severally, as the case may be, were inserted instead of the word 'Winnipeg' or the words 'Winnipeg-St. Boniface' or 'Winnipeg or St. Boniface'."

SEC. 203.

The necessity of verification of complaint, by oath or statutory declaration, is eliminated by an amendment to sub-section one of section 203. The clause now reads;

"203. (1) Whenever any consignor who has con- signed grain to any commission merchant, after hav- ing made demand therefor, as aforesaid, receives no remittance, nor report of the sale, or if in any case after report is made the consignor is dissatisfied with the report of sale thereof, he may make a complaint in writing, to the Board, who shall thereupon in- vestigate the sale complained of."

Complaint in writing by consignor to Board.

In its amended form, section 225 of the act reads: **SEC. 225.**

"225. Any person who issues any ticket or receipt in any form other than that prescribed in the First Schedule to this Act or that authorized by the Board with the approval of the Governor in Council, or who issues or uses any ticket or receipt not supplied or authorized to be supplied pursuant to section one hundred and seventy of this Act shall be guilty of an offence and shall be liable, upon summary conviction, to a fine of not less than two hundred dollars and not more than five hundred dollars or to forfeiture of his license, or to both fine and forfeiture."

Using any form other than those in schedule.

Amended

This new wording is more specific with respect to the penalties associated with offences against the act. The old section read;

225. Every person who uses any form other than those in the First Schedule to this Act or those auth- orized by the Board with the approval of the Governor in Council shall, in case any such forms are applicable be guilty of an offence under this Act, and shall be liable to a fine or forfeiture of license. 1925, c. 33, s. 225.

Using any form other than those in schedule.

Repealed



An additional penalty under the act is provided to ensure the observation of the new provisions re- specting mixing. Sub-sec- tion one of section 228 formerly contained only the following words:

228. Every person is guilty of an offence and liable on summary conviction to a penalty of not less than five thousand dollars and costs and not exceeding twenty thousand dollars and costs and to imprison- ment for any term not exceeding two years, who

Penalty for certain offences as respects terminal elevators.

Unchanged

- (a) mixes different grades of grain while such grain is stored in any public terminal elevator;

Mixing grades.

To it have now been added these;

—"or mixes grain or grades of grain or anything with grain contrary to the provisions of sec- tion one hundred and forty of this Act."

Mixing grades in private elevators.

NEW

Section 231 of the former act has been repealed and the following new section has been adopted;

Repealed Offences in connection with this Part.

Penalty.

"231. Every one who contravenes any provision of this part or any regulation made thereunder, except with respect to the matters enumerated in section one hundred and ninety-one of this Act, is guilty of an offence and liable, on summary conviction, to a penalty of not less than twenty-five dollars for the first offence, a penalty of not less than two hundred and fifty dollars or two months in jail for a second offence and to a penalty of not less than five hundred dollars or three months in jail for a third or a subsequent offence."

The former reading of the section was as follows;

NEW Offences in connection with applications for cars.

Penalty.

Disposal of Penalty.

- 231.** Every one who
- (a) transfers or sells his right to any car allotted to him for shipping grain, or to be allotted to him for shipping grain;
 - (b) purchases, takes over or accepts any assignment or transfer of the right of any applicant entitled to a car for shipping grain;
 - (c) loads any such car which has not been allotted to him by the station agent, or out of his turn loads such car; or
 - (d) not being the agent, duly authorized in writing, of an applicant for a car for shipping grain, obtains the placing of a name on the car order book as the name of an applicant for a car for shipping grain;

is guilty of an offence and liable, on summary conviction, to a penalty of not less than twenty-five dollars for the first offence, a penalty of not less than two hundred and fifty dollars or two months in jail for a second offence, and to a penalty of not less than five hundred dollars or three months in jail for a third offence.

2. One-half of any penalty imposed under this section, with full costs, shall be paid to the person who informed and prosecuted for the same. 1925, c. 33, s. 231.

The effect of this amendment is to give a wider application to certain penalties which were established under the former Canada Grain Act, section 231.

NEW FORM OF ORDER FOR CAR.

FORM D1

..... Railway Company,
Order No. Station.
Date, 19.....
Time.....o'clock in the.....noon.

I hereby make application for one railway car oftons capacity, to be furnished to
.....of(hereinafter called the "Ap-
plicant"), and placed at the
at.....to be loaded with.....
(Strike out
if car is
for an
elevator.)

The said grain was grown on Section.....in
Townshipin Range.....
of the.....Meridian.

And I do declare:

1. That the above named applicant is now the actual
owner of a car-lot of grain of the kind above de-
signated, and in my belief the said grain will be in a
position to load by the time the said car can be furn-
ished to such applicant.

2. That the said applicant has not on any other car
order book, at this time any unfilled order for a car
for the shipment of grain grown on the said land.
(Strike out
if car is
for an
elevator.)

.....
(Signature of applicant or his
agent duly appointed in writing)

.....
(Address of person signing this order)

I hereby sign this order on behalf of the railway
company above named, and acknowledge receipt there-
of on the date, and at the time above named.

.....
(Signature of Railway Agent)

The aforesaid order was duly filled on the.....
day of, 19....., at
by supplying to the applicant, car No....., which
was loaded on the.....day of....., 19.....
and billed out to.....
(To be
filled in by
railway
agent.)

.....
(Signature of Railway Agent)

OLD FORM D. (now obsolete)
D.

CAR ORDER BOOK.
(Sec. 179.)

.....Railway Company.....Railway Company

<i>Original</i>	<i>Car Order</i>	<i>Receipt</i>	<i>Car Order</i>
Date.....	Date.....	Date	Date
Time.....	Time.....	Time.....	Time.....
Order No.....	Order No.....	Order No.....	Order No.....
.....StationStationStationStation
To be placed at.....	To be placed at	To be placed at	To be placed at
Capacity of car.....	Capacity of car.....	Capacity of car.....	Capacity of car.....
Destination	Destination	Destination	Destination
Date when supplied.....	Date when supplied.....	Date when supplied.....	Date when supplied.....
Date when cancelled....	Date when cancelled....	Date when cancelled....	Date when cancelled....
Date when loaded ...	Date when loaded.....	Date when loaded.....	Date when loaded.....
No. car supplied.....	No. car supplied.....	No. car supplied.....	No. car supplied.....

I hereby declare by myself or agent appointed in writing that at time of making this order I am the actual owner of a car lot of grain for shipment, or I am the operator of a country elevator.

I hereby acknowledge receipt of this order.

(Applicant's signature).....
(Applicant's residence).....
(Agent's signature).....
(Agent's residence).....

.....
(Station Agent's signature.)

SASKATCHEWAN ROYAL GRAIN INQUIRY COMMISSION

The Royal Grain Inquiry Commission appointed by the government of Saskatchewan last fall, placed its report before the legislature on September 5th, 1929. The following forty recommendations were made:

1. That the many recommendations made in our interim report be put into effect where that has not already been done.

2. That the board of grain commissioners and its members be given wider powers, with provision for more effective enforcement of its decisions.

3. That consideration be given as to the advisability of rescinding the legislation of 1929 in authorizing the board to provide a double standard for grading farmers' grains, and in requiring the inspector to grade otherwise than the intrinsic value of the official standard.

4. That the standard for grading grain out of terminal elevators, consisting of 75 per cent. of the average of the grade and 25 per cent. of the minimum, and which has already been applied to "spring wheat," be also applied to Durum wheat, barley, oats, rye and other grains.

5. That "tough" and "damp" grain should not be allowed to be mixed with the straight grade.

6. That all damp grain be dried and inspected out of the terminal elevator as "dried" of the grade to which it belongs.

7. That it be left optional with the terminal elevator to dry "tough" grain if the grain is dried. That it be inspected out as "dried" of the grade to which it belongs, but if left in its tough condition that it be inspected out as "tough" of the grade to which it belongs.

8. That the board make regulations to govern the operation of driers so as to ensure proper supervision by the inspection branch.

9. That the grade No. 1 Manitoba hard wheat be done away with and merged in No. 1 Manitoba Northern.

10. That Kota wheat as a special grade be dispensed with.

11. That Garnet wheat be given recognition as a distinct variety with its several grades and binned separately unless the tests now being made with reference to this grain determine otherwise.

12. That grades No. 2 and 3 Manitoba Northern wheat be redefined.

13. That No. 4 commercial spring wheat be defined and made a statutory grade.

14. That Nos. 1, 2 and 3 C. W. Amber Durum be redefined.

Experts to Define Grades.

15. That the board appoint a committee of experts to define the grades where a definition or redefinition is suggested.

16. That the terms "no grade," "rejected" and "condemned" be done away with as prejudicially affecting, and not being truly descriptive of, the character of the grain to which the terms are attached.

